IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.MC.No. 2270 of 2007()

CC.993/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II NEYYATTINKARA

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PETITIONER: ACCUSED

RAHUL @ SAMBHU,
S/O.RAVEENDRANATHAN,
'SHRESHTOM' NEAR SIVAN TEMPLE,
THALAYAL, ATHIYANNOOR,
NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2270 of 2007

Dated this the 16th day of July, 2007

O R D E R

The petitioner faces indictment for offences punishable under Sections 341 and 323 I.P.C. The case was registered in 2004 and the petitioner had appeared as early as in 2005, it is submitted. Trial has not commenced yet. The petitioner is an unemployed person. He wants to seek a job abroad. The petitioner's application for passport has not been considered because of the pendency of this prosecution. The matter is settled also, it is submitted. The defacto complainant will come to the court only if he is summoned from the court. Therefore the petitioner is not able to file an application for composition also. In these circumstances, it is prayed that there may be a direction for expeditious disposal of the case pending against the petitioner before the learned Magistrate.

2. Has the petitioner applied before the learned Magistrate ? Did he apprise the learned Magistrate of the peculiar circumstances in this case ? It is admitted that no application has been filed. I am certainly of the opinion that it is for the petitioner to move the learned Magistrate and apprise the learned Magistrate of all these circumstances. Only if the learned Magistrate does not grant the request of the petitioner, can the petitioner be permitted to approach this court. I find no merit in the request made at the first instance

before this Court.

3. Going through the petition, the petitioner appears to have a very just case for expeditious disposal. With the observation that the petitioner can apply before the learned Magistrate and the learned Magistrate must pass appropriate orders on such application for expeditious disposal, this Crl.M.C is, dismissed.

4. Issue a copy of this order to the learned counsel for the petitioner for production before the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-